

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA, : Case No. 3:12-PO-46

Plaintiff, : Magistrate Judge Michael J. Newman

vs. :

JAMES CASSIDY,

Defendant. :

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**ORDER DENYING DEFENDANT'S MOTION FOR  
ELECTRONIC HOME DETENTION PROGRAM (DOC. 11)**

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On October 2, 2012, Defendant pled guilty to one count of driving under the influence. Consistent with the Probation Department's recommendation, the Court sentenced Defendant to two years of probation with the special condition of 20 days in jail. Doc. 9. No appeal of this sentence was taken.

Defendant, through counsel, now moves the Court for electronic home detention monitoring in place of the 20-day incarceration period. On December 1, 2012, the Court heard oral argument from both sides on the merits of this post-sentencing motion (doc. 11).

The Court has again reviewed Defendant's Presentence Investigation ("PSI") report. For the reasons stated on the record during the sentencing hearing, the Court rests on its earlier decision -- made in conformance with the Probation Department's recommendation -- that Defendant serve 20 days in jail as a condition of probation, rather than home detention. The Court further notes that, contrary to the assertion in his motion, Defendant was informed that he *will* be permitted to serve his sentence over weekend periods. Therefore, to the extent that Defendant now

argues that the jail term might interfere with his employment, he may avoid that result by serving his jail term on weekends. The Court authorizes Defendant's incarceration term to be so served.

**IT IS SO ORDERED.**

December 17, 2012

**s/ Michael J. Newman**  
United States Magistrate Judge